

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: O. S. Khalil, et al.

Serial No: 09/419,461

Filed: October 15, 1999

For: METHOD FOR MODULATING LIGHT  
PENETRATION DEPTH IN TISSUE AND  
DIAGNOSTIC APPLICATIONS USING SAME

Group Art Unit: 3736

Examiner: M. Kremer

File No.: 6351.US.P2

Date: February 24, 2005

**Certificate of Mailing (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:

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*David L. Weinstein 2/24/05*  
David L. Weinstein      DATE

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION (37 CFR 1.321(b))**

**Identification of Person Making This Disclaimer**

I, David L. Weinstein, represent that I am the attorney of record for this invention.

**Identity of Assignee**

The assignee is Abbott Laboratories, 100 Abbott Park Road, Abbott Park, Illinois, 60064.

**Extent of Interest**

The extent of the interest of Abbott Laboratories is in the whole of this invention.

**Recordal of Assignment in PTO**

The assignment was recorded at Reel 010587, Frame 0200, on January 24, 2000.

## Disclaimer

The terminal part of the statutory term of any patent granted on the above-identified application (09/419,461), which would extend beyond the expiration dates of the full statutory term defined in 35 U. S. C. 154 to 156 and 173 of the patent forming the basis of the double patenting rejection (U.S. Patent No. 6,662,030), is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application (09/419,46) shall be enforceable only for, and during, such period that the legal title to such patent shall be the same as the legal title to U.S. Patent No. 6,662,030, this agreement to run with any patent granted on the above-identified application (09/419,46) and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the above-identified application (09/419,46) prior to the expiration date of the full statutory term as defined in 35 U. S. C. 154 to 156 and 173 of the patent forming the basis of the double patenting rejection (U.S. Patent No. 6,662,030) in the event that it later: expires for failure to pay maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a); has all claims cancelled by a reexamination certification; is reissued in any manner or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for separation of legal title as stated above.

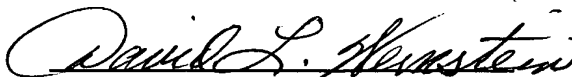
## Fee Payment

Charge Deposit Account No. 01-0025 the sum of \$110.00. A duplicate of this disclaimer is attached.

**23492**

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SIGNATURE OF DISCLAIMER:

  
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